

NOV 15 2004  
U.S. PATENT & TRADEMARK OFFICE

\$ 271C

PTO/SB/21 (09-04)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/342,024	
	Filing Date	28 June 1999	
	First Named Inventor	Nolan	
	Art Unit	1636	
	Examiner Name	Gerald G. Laffer, Jr.	
Total Number of Pages in This Submission	6	Attorney Docket Number	677-1120-CIP1

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input checked="" type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard Check (BLG no. 1808)
Remarks Note: Express Abandonment Request is petition		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Bio-Techno Logix Land Group		
Signature	Daniel M. Chambers		
Printed name	Daniel M. Chambers		
Date	9 NOV 2004	Reg. No.	34,561

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	Daniel M. Chambers		
Typed or printed name	Daniel M. Chambers	Date	9 NOV 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)  
575.00

## Complete if Known

Application Number 09/342,024  
Filing Date 28 June 2004 1999  
First Named Inventor Nolan  
Examiner Name Gerald G. Leffos, Jr.  
Art Unit 1636  
Attorney Docket No. G72-1120-CIP1

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number  
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)  
0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below	Fee Paid
Total Claims	<input type="text"/>	-20** =	<input type="text"/>	X <input type="text"/>	= <input type="text"/>
Independent Claims	<input type="text"/>	- 3** =	<input type="text"/>	X <input type="text"/>	= <input type="text"/>
Multiple Dependent				<input type="text"/>	= <input type="text"/>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)  
0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)  
575

## SUBMITTED BY

Name (Print/Type) Daniel M. Chambers  
Signature Daniel M. Chambers  
Registration No. (Attorney/Agent) 34,581  
Telephone 858.350.9690  
Date 9 NOV 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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O I P E  
NOV 15 2004  
PATENT & TRADEMARKS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Nolan, et al.

Serial No.: 09/342,024

Filed: 28 June 1999

For: HIGH EFFICIENCY TRANSFECTION  
BASED ON LOW ELECTRIC FIELD  
STRENGTH, LONG PULSE LENGTH

Examiner: Leffers, Gerald G.

Art Unit: 1636

PETITION TO REVIVE UNDER 37 C.F.R. 1.137(b)

Commissioner For Patents

• P.O. Box 1450

Alexandria, VA 22313-1450

Attention: Mail Stop PETITION

Sir:

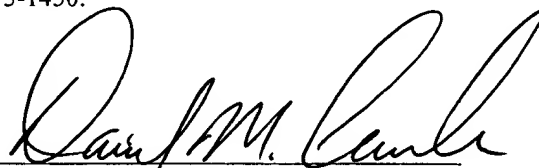
Applicants herein petition to revive the captioned patent application under 37 C.F.R. 1.137(b), as suggested in the Petition Decision dated 9 September 2004. A payment of \$575.00 accompanies this petition. When combined with the \$110 previously paid in connection with Applicants' prior petition, Applicants submit that the amount due pursuant to 37 C.F.R. 1.17(m) will have been paid.

CERTIFICATE OF MAILING  
(37 CFR 1.10)

I hereby certify that this paper (along with anything referred to as being attached) is being mailed via the U.S. Postal Service in an envelope stamped with sufficient First Class postage, addressed to: Mail Stop PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

9 NOV 2004

Date of Transmission



Daniel M. Chambers

11/16/2004 EABUBAK1 00000090 09342024

01 FC:1999

575.00 OP

**STATEMENT TO THE COMMISSIONER**

Applicants hereby petition the Commissioner to revive this patent application. The entire delay in filing the required response from the non-extendable due date until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional. Indeed, as evidenced by Applicants' prior submission on 15 June 2004, which was accompanied by the filing of a continuation application (assigned serial number 10/872,956, and a filing date of 15 June 2004) claiming priority to the instant case, the purpose of the prior response in this case was to provide the continuity, or period of co-pendency, needed to effect the aforementioned continuation filing. Thus, immediately following revival of this application for the period required to provide the requisite continuity so as to allow U.S.S.N. 10/872,956 to achieve the benefit of this application, Applicants expressly abandon the instant application.


- Applicants further request that the terminal disclaimer filed in connection with their prior submission be considered in the context of this petition.

**CONCLUSION**

Applicants request prompt consideration and a favorable disposition of this petition under 37 C.F.R. 1.137(b). After this petition is granted and the requisite period of co-pendency has been established with U.S.S.N. 10/872,956, Applicants request that this petition further be treated as a notice of express abandonment of this, the captioned application. Should any issues or questions arise during consideration of this request, or if additional information is required, the officer considering this petition is encouraged to telephone the undersigned at 858.350.9690 so that they may be promptly resolved.

Dated: 9 NOV 2004

Respectfully submitted,

By: 

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